

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DWAINE WRIGHT,

Plaintiff,

:

Case No. 3:15-cv-211

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

RION MacCONNELL,

Defendant.

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**SUBSTITUTED REPORT AND RECOMMENDATIONS; CLERK  
ORDERED TO ENTER DEFAULT**

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On May 10, 2016, the Magistrate Judge recommended this case be dismissed without prejudice for lack of service of process under Fed. R. Civ. P. 4(m). Mr. Wright has correctly objected that the Court previously recognized he had succeeded in serving Defendant MacConnell on September 24, 2015. Upon recommittal from Judge Rose (ECF No. 27), the Magistrate Judge WITHDRAWS that portion of the Report recommending dismissal of the case as against Rion MacConnell. There has still been no service on U.S. Mint Green, the time for making such service has expired, and the Magistrate Judge stands on his recommendation that the case be dismissed without prejudice as to that entity.

Defendant MacConnell was served on September 24, 2015, as previously noted, and has not responded in any way to the Complaint. Accordingly, pursuant to Fed. R. Civ. P. 55(a), the Clerk is ORDERED to enter MacConnell's default.

The Court hereby sets a deadline of July 1, 2016, for Plaintiff to file a motion for default judgment against MacConnell. Plaintiff's attention is directed to S. D. Ohio Civ. R. 55.1.

May 20, 2016.

s/ *Michael R. Merz*  
United States Magistrate Judge

#### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).